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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 LAVELL HALL,

11 Plaintiff,

12 v.

13 Y.A. GUILA, et al.,

14 Defendants.

Civil No. 11-2661-BEN(WVG)

**ORDER DENYING PLAINTIFF'S
MOTION FOR APPOINTMENT OF
COUNSEL**

(Doc. No. 17)

15 Plaintiff Lavell Hall, a state prisoner, is proceeding *pro se* on a civil rights action filed under 28
16 U.S.C. § 1983. On December 26, 2012, Plaintiff filed a Motion For Appointment Of Counsel. Plaintiff
17 argues the appointment of counsel is appropriate because he is indigent, unable to afford counsel, and
18 needs counsel “so that (his) interest may be protected by the professional assistance required.” For the
19 reasons set forth below, the Court hereby **DENIES** Plaintiff’s Motion without prejudice .

20 “[T]here is no absolute right to counsel in civil proceedings.” Hedges v. Resolution Trust Corp.
21 (In re Hedges), 32 F.3d 1360, 1363 (9th Cir. 1994) (citation omitted). Thus, federal courts do not have
22 the authority “to make coercive appointments of counsel.” Mallard v. United States District Court, 490
23 U.S. 296, 310 (1989); see also United States v. \$292,888.04 in U.S. Currency, 54 F.3d 564, 569 (9th Cir.
24 1995).

25 Districts courts have discretion, however, pursuant to 28 U.S.C. § 1915(e)(1), to “request” that
26 an attorney represent indigent civil litigants upon a showing of exceptional circumstances. See Terrell
27 v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Burns v. County of King, 883 F.2d 819, 823 (9th Cir.
28 1989). “A finding of exceptional circumstances requires an evaluation of both the ‘likelihood of success

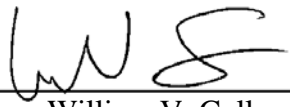
1 on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of
2 the legal issues involved.’ Neither of these issues is dispositive and both must be viewed together before
3 reaching a decision.’” Id. (quoting Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986)).

4 In the absence of counsel, however, the procedures employed by the federal courts are highly
5 protective of a *pro se* litigant’s rights. See Haines v. Kerner, 404 U.S. 519, 520 (1972) (holding *pro se*
6 complaint to less stringent standard) (per curiam). Where a plaintiff appears *pro se* in a civil rights case,
7 the court must construe the pleadings liberally and afford the plaintiff any benefit of the doubt. Karim-
8 Panahi v. Los Angeles Police Dep’t, 839 F.2d 621, 623 (9th Cir. 1988). The rule of liberal construction
9 is “particularly important in civil rights cases.” Ferdik v. Bonzelet, 963 F.2d 1258, 1261 (9th Cir. 1992).
10 In this case, Plaintiff has failed to demonstrate extraordinary circumstances. Plaintiff has not shown
11 how his indigency prevents him from sufficiently prosecuting his lawsuit. Rather, the pleadings filed
12 by Plaintiff thus far demonstrate that he has a good grasp of his case and the legal issues involved.

13 Accordingly, the Court hereby **DENIES** without prejudice Plaintiff’s Motion for Appointment
14 of Counsel.

15 **IT IS SO ORDERED.**

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17 DATED: January 16, 2013

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20 Hon. William V. Gallo
U.S. Magistrate Judge